IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 23266 of 2007(T)

AGAINST THE ORDER IN EP 107/07 IN OS.83/1998 of SUB COURT, MANJERI
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PETITIONER:

MANGALAM ILLATHU GOVINDAN NAMBOOTHIRI, S/O. LATE NARAYANAN NAMBOOTHIRI, PENSIONER, MANGALATHU ILLOM, KOLATHUR DESOM, MOORKANADU VILLAGE, PERINTHALMANNA TALUK.

BY ADV. SRI.KISHOR B.

RESPONDENTS:
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1. **KOLATHUR KOVILAKOM STHANI, KADANNAMANNA KOVILAKATHU UNNIKKUNHI THAMPURATTI'S DAUGHTER, UNNIKKUNHI @ AMMU THAMPURATTI @ KOLATHUR THAMPURATTI, AGED 79, KINAVUR KOVILAKOM, NEELESWARAM, HOSDURG TALUK.**

2. **MANOJ NAMBOOTHIRI, S/O. GOVINDAN NAMBOOTHIRI, SANTHI, MANGALATHU ILLOM, KOLATHUR DESOM, MOORKANADU VILLAGE, PERINTHALMANNA TALUK.**

3. **ARYA, D/O. GOVINDAN NAMBOOTHIRI, MANGALATHU ILLOM, KOLATHUR DESOM, MOORKANADU VILLAGE, PERINTHALMANNA TALUK.**

4. **SAVITHRI ANTHARJANOM, AGED 57 YEARS, W/O. GOVINDAN NAMBOOTHIRI, PENSIONER, MANGALATHU ILLOM, KOLATHUR DESOM, MOORKANADU VILLAGE, PERINTHALMANNA TALUK.**

5. **PARVATHI ANTHARJANO, W/O. LATE RAMAN NAMBOOTHIRI, OWN AFFAIRS, MANGALATHU ILLOM, KOLATHUR DESOM, MOORKANADU VILLAGE, PERINTHALMANNA TALUK.**

6. NARAYANAN NAMBOOTHIRI,
SON OF DECEASED NARAYANAN NAMBOOTHIRI,
MANGALATHU ILLOM, KOLATHUR DESOM
MOORKANADU VILLAGE, PERINTHALMANNA TALUK.

7. RAMAN NAMBOOTHIRI,
SON OF DECEASED NAYANAN NAMBOOTHIRI
MANGALATHU ILLOM,
KOLATHUR DESOM,
MOORKANADU VILLAGE, PERINTHALMANNA TALUK.

8. JAYAKRISHNAN NAMBOOTHIRI,
SO OF DECEASED NARAYANAN NAMBOOTHIRI,
MANGALATHU ILLOM, KOLATHUR DESOM
MOORKANADU VILLAGE, PERINTHALMANNA TALUK.

9. AMMINI ANTHARJANAM,
W/O NARAYANAN NAMBOOTHIRI,
MANGALATHU ILLOM, KOLATHUR DESOM
MOORKANADU VILLAGE, PERINTHALMANNA TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/07/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 23266 OF 2007

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Dated this the 30th day of July, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside the order of the learned Subordinate Judge, Manjeri in E.P.107/07 in O.S.83/98. It is submitted that by judgment dated 27.3.2007, the Court had decreed O.S.87/97 and 83/98 and allowed plaintiffs recovery of possession of the plaint schedule property on the strength of their title.

2. The learned counsel for the writ petitioner submits that he has filed two appeals before the District Court as A.S.42/07 and 43/07. A.S.42/07 is posted on 6.8.07 where there is a delay of 4 days in filing the appeal. He has also pointed out to me that the same person is having two names in the suits, namely, 4th defendant is described as Sreedevi Antharjanam in O.S.87/97 and it is described as Savithry Antharjanam in O.S.83/98. According to him, the District Court had returned the appeals for correcting the names and that has occasioned the delay. Whatever it may be, now, the

original suit alone is disposed of and the party has preferred an appeal before the appellate court. The appeal as well as the stay application is pending consideration in the appellate court. Therefore, interest of justice demands that the delivery be deferred till some order is passed by the District Judge. Therefore, the delivery sought to be done on 31.7.2007 will stand deferred for a period of ten days, i.e., to 10.8.2007 and meanwhile the writ petitioner may move the District Court for appropriate reliefs.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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